

Walter Rosenbaum
Appl. No.: 09/783,144

REMARKS

The Office Action dated February 13, 2004 is a Rejection in response to Applicant's application filed on February 15, 2001. The rejection has been reviewed and the comments of the US Patent Office Considered. By way of the above amendment, claims 1, 9, 1-22, 24-26, 28, 32, 33, 36, 49, 52-54, 56, 58 and 59 have been amended, claims 7, 15, 23 and 37 have been rejected and claims 2-6, 8, 10-15, 16, 18-22, 24-35 and 38-60 remain pending as originally filed. Replacement figures 2-5 have been introduced by way of amendment. No new matter has been added. Reconsideration of the outstanding objections and rejections, discussed in more detail below, in light of the above amendments, is requested.

The Drawings

In paragraph 1 of the Office Action, the Examiner objected to the drawings. In particular, figure 1 was objected to for having improper margins, figures 2-5 for including not plain and not legible numbers and reference characters, and figure 6 for non-uniformly thick and well defined lines, numbers and letters.

With respect to figures 1 and 6, Applicant has reviewed these figures and believe them to be in compliance with USPTO requirements. Accordingly, Applicant requests the Examiner indicate with more detail which margins do not conform with USPTO practice (for figure 1) and which lines, numbers and letters are not uniformly thick and well defined (for figure 6).

With respect to figures 2-5, Applicant encloses herewith, by way of amendment, replacement sheets depicting the figures as originally filed in a longitudinal format and enlarged for clarity. At least the replacement figures are believed to be plain and legible.

In light of the above, reconsideration and withdrawal of this objection is requested.

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Claim Rejections – 35 USC §102

In paragraph 3, the Examiner rejected claims 1-35 under 35 USC §102(e) as being anticipated by Hartley-Urquhart (hereinafter Hartley). Applicant traverses.

The present claimed invention is directed to the provision of factoring to a seller of goods. Application for the present invention may be in e-commerce. Factoring the seller may be provided by an intermediary postal system. These limitations are set out in the independent claims 1, 9 and 17 and the dependent claims therefrom.

Novelty based rejections require that every element of the claimed invention be set out in the prior art. Hartley expressly does not relate to factoring a seller as disclosed in column 2, lines 22 – 30. Rather, Hartley relates to a complex system of supply chain financing the buyer (col. 4 *et seq.*). The buyer financing is effected from a bank rather than a postal system. Further, exchange of goods are effected directly between buyer and seller in Hartley, whereas, in the present invention, the postal system acts as an intermediary for the exchange of goods subject to the factoring. The independent claims have been amended to highlight the aforementioned differences. Accordingly, reconsideration and withdrawal of this rejection is requested.

Claim Rejections – 35 USC §103

In paragraph 4, the Examiner rejected claims 36-56 under 35 USC §103 as being unpatentable over Hartley in view of Chelliah. The Examiner argues that Hartley provides all of the limitations of these claims but for the specifics of a client system for purchasing the goods, namely, on-line access and supporting equipment. Applicant traverses.

As set out above, Hartley is directed to financing the buyer not factoring the seller as required here by independent claim 36. Chelliah was introduced by the Examiner to teach of client systems for “purchasing goods” thus making the “client” the “buyer” as oppose to the “seller”. Further, there is no mention within Chelliah of providing factoring to the seller. Additionally, there is no suggestion within Hartley to abandon the

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express teachings of financing the buyer through means "in contrast to the prior art financial technique of factoring". Even if one were to consult Chelliah, one would still not find motivation to alter Hartley against its express teachings. Should one continue in combining the two references, one would still not arrive at the present invention, given the instant application to the seller and factoring. Accordingly, reconsideration and withdrawal of this rejection is requested.

In paragraph 5, the Examiner rejected claim 57 under 35 USC §103 as being unpatentable over Hartley in view of Chelliah as applied to claim 43. While the Examiner does mention factoring, there is no indication of where in Hartley and Chelliah factoring of the seller is taught. The above arguments are repeated herein and reconsideration and withdrawal of this rejection is requested.

In paragraph 6, the Examiner rejected claim 58 under 35 USC §103 as being unpatentable over Hartley in view of Chelliah and Official Notice regarding returned goods processing. Applicant reserves the right to discuss returned goods processing and whether the Official Notice is proper after resolution of the missing base teachings relating to factoring the seller as set out above. For at least the above reasons, reconsideration and withdrawal of this rejection is requested.

In paragraph 7, the Examiner rejected claims 59-60 under 35 USC §103 as being unpatentable over Hartley in view of Chelliah and Official Notice regarding returned goods processing as applied to claim 57 and further in view of Kelly. Kelly was introduced to provide the missing teaching of a post system selling returned goods. However, Kelly is not expressly directed to a postal system. Furthermore, Kelly does not provide the missing teachings nor motivation discussed above. Accordingly, reconsideration and withdrawal of this rejection is requested.

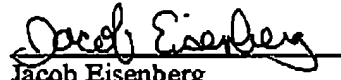
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CONCLUSION

The present response is intended to correspond with the Revised Amendment Format. Applicant understands that with the Revised Amendment Format, the provisions of 37 CFR §1.121 are waived. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

In the event that the transmittal form is separated from this document and the Patent Office determines that an extension of time and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees in connection with the filing of this document to Deposit Account No.: 502464 referencing client reference: 2001P01989US. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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